

Message

From: Koch, Erin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D5E11973F9C0476EA9784F4B0A932373-EKoch]
Sent: 5/18/2021 11:47:13 AM
To: Chandrasekaran, Devi [Chandrasekaran.Devi@epa.gov]
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Ex. 5 Attorney Client (AC)

From: Chandrasekaran, Devi <Chandrasekaran.Devi@epa.gov>
Sent: Monday, May 17, 2021 5:46 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Ex. 5 Attorney Client (AC)

Devi Chandrasekaran
Pesticides and Toxic Substances Law Office
Office of General Counsel
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From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Monday, May 17, 2021 3:01 PM
To: Carlisle, Benjamin (ENRD) <Benjamin.Carlisle@usdoj.gov>; Chandrasekaran, Devi <Chandrasekaran.Devi@epa.gov>; Pittman, Forrest <Pittman.Forrest@epa.gov>; Williams, Robert P. (ENRD) <Robert.P.Williams@usdoj.gov>
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Ex. 5 Attorney Client (AC)

From: Carlisle, Benjamin (ENRD) <Benjamin.Carlisle@usdoj.gov>
Sent: Monday, May 17, 2021 1:26 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Chandrasekaran, Devi <Chandrasekaran.Devi@epa.gov>; Pittman, Forrest <Pittman.Forrest@epa.gov>; Williams, Robert P. (ENRD) <Robert.P.Williams@usdoj.gov>
Subject: RE: New Decision - Hardeman v. Monsanto (9th Cir.)

Ex. 5 Attorney Client (AC)

Ben

From: Koch, Erin <Koch.Erin@epa.gov>

Sent: Monday, May 17, 2021 1:13 PM

To: Chandrasekaran, Devi <Chandrasekaran.Devi@epa.gov>; Pittman, Forrest <Pittman.Forrest@epa.gov>; Carlisle, Benjamin (ENRD) <Benjamin.Carlisle@usdoj.gov>; Williams, Robert P. (ENRD) <Robert.P.Williams@usdoj.gov>

Subject: FW: New Decision - Hardeman v. Monsanto (9th Cir.)

FYI. I'm just getting a chance to read this now, but wanted to make sure you are aware that the 9th Circuit issued this opinion last Friday. Our amicus brief was about FIFRA preemption, but given the decision involves glyphosate and the cancer finding, you may want to take a look. If I find something specific to point you to as I read this, I will. It is a long opinion.

From: Aranda, Amber <aranda.amber@epa.gov>

Sent: Friday, May 14, 2021 4:36 PM

To: OGC Immediate Office All <OGC Immediate Office All@epa.gov>

Cc: Cole, Joseph E. <cole.josephe@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>

Subject: New Decision - Hardeman v. Monsanto (9th Cir.)

Ex. 5 AC/AWP

A more detailed discussion of this case will be provided after further discussion with DOJ and the OPP.

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From: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>

Sent: Friday, May 14, 2021 12:28 PM

To: Neumann, Jennifer Scheller (ENRD) <Jennifer.Neumann@usdoj.gov>; justin.smith@usdoj.gov; Koch, Erin <Koch.Erin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Aranda, Amber <aranda.amber@epa.gov>

Subject: hardeman v monsanto decision

The 9th Circuit opinion in the Hardeman v. Monsanto case just came out. This is the case where we filed an amicus brief arguing that any California state-based labeling requirements were preempted by FIFRA. The 9th Cir. affirmed the judgment of the district court and found that California law was consistent with FIFRA. I haven't read the decision yet (it's long). I'll follow up if there is more to report.

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